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OFFICE OF PETITIONS

In re Application of :
Karel van den Berg :
Application No. 09/993,961 : DECISION GRANTING PETITION
Filed: November 27, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 8553/114a :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply to the Notice of Non-Compliant Amendment (37 CFR 1.121), mailed September 15, 2004, which set a one month period for reply, with extensions of time under 37 CFR 1.136(a) being available. A reply thereto was received on January 18, 2005, along with a three month extension of time fee; however, the reply was still found to be non-compliant and a second Notice of Non-compliant Amendment was mailed on February 28, 2005, which stated that the period for reply remained as set in the Notice of September 15, 2004. No timely reply having been received, the date of abandonment of this application is January 19, 2005. A Notice of Abandonment was mailed on June 17, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) a reply to the Notice of Non-Compliant Amendment (mailed September 15, 2004 and February 28, 2005); (2) the \$750 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notices of September 15, 2004 and February 28, 2005 is accepted as having been unintentionally delayed.¹

¹ After revival of an application, the examiner may, upon a more detailed review, determine that the reply is lacking in some respect. In this limited situation, the examiner should send out a letter giving a 1-month shortened statutory period under 37 CFR 1.135(c) for correction of the error or omission. Extensions of time under 37 CFR 1.136(a) are permitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1746 for appropriate action in the normal course of business on the reply received with the petition.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks

Petitions Examiner
Office of Petitions